

COMMITTEE ON OVERSIGHT AND REFORM,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: CHRISTA D. JONES

Wednesday, July 31, 2019

Washington, D.C.

The interview in the above matter was held in Room 6400, O'Neill House Office Building, commencing at 9:31 a.m.

Appearances:

For the COMMITTEE ON OVERSIGHT AND REFORM:

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For CHRISTA D. JONES:

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Ms. Anderson. Good morning. I'm just going to go through some brief ground rules. If you have any questions during it, just feel free to stop me.

This is a transcribed interview of Christa Jones, conducted by the House Committee on Oversight and Reform. This interview was requested by Chairman Elijah Cummings as part of the committee's oversight investigation into the addition of a citizenship question to the 2020 Census.

Can you please state and spell your full name for the record.

Ms. Jones. It's Christa, C-h-r-i-s-t-a, D, Jones, J-o-n-e-s.

Ms. Anderson. My name is Tori Anderson. I work as majority counsel for the Committee on Oversight and Reform. I want to thank you for coming in today, and we appreciate you speaking with us voluntarily.

At this time, I will ask everyone around the room to introduce themselves for the record, and then we'll go over the rules.

Ms. Teleky. Katie Teleky, professional staff with the majority.

Ms. Sachsman Grooms. I'm Susanne Sachsman Grooms from the majority.

Mr. David. Ken David with the minority, from Oversight.

Ms. Nabity. Caroline Nabity, Republican staff.

Ms. Johnson. Ellen Johnson, Republican staff.

Mr. Hull. Cordell Hull, Department of Commerce.

Mr. Dewhirst. David Dewhirst, Department of Commerce.

Mr. Brand. Stan Brand for the witness.

Mr. Woodward. Stanley Woodward, Akin Gump.

Ms. Anderson. Thank you.

The way this interview will proceed is as follows: The majority and minority staffs will alternate asking you questions, 1 hour per side per round. The majority staff will begin and proceed for an hour, and then minority staff will then have an hour to ask questions. Thereafter, the majority staff may ask additional questions, and so on and so forth. We will alternate back and forth in this manner until there are no more questions from either side, and then the interview will be over.

During the interview, we'll do our best to limit the number of people who are directing questions at you during any given hour. That being said, from time to time, followup or clarifying questions may be useful, and if that's the case, you may hear from additional people around the table.

Under the committee's rules, you're allowed to have an attorney present to advise you. Do you have an attorney representing you in your personal capacity today?

Ms. Jones. Yes, I do.

Ms. Anderson. Can you guys introduce yourselves again, please. Thank you.

Mr. Brand. Stan Brand with Akin Gump.

Mr. Woodward. Stanley Woodward.

Ms. Anderson. I understand that you do have personal counsel and that there's also agency counsel present. Would you like them to be present in the room with you today?

Ms. Jones. Yes.

Ms. Anderson. And do you understand they don't represent you in your personal capacity?

Ms. Jones. Yes, I do.

Ms. Anderson. There is a stenographer taking down everything I say and everything you say as a written record of this interview. For the record, to be clear,

please wait until I finish asking each question before you begin to answer, and I will wait until you finish your response before asking you the next question.

The stenographer cannot record nonverbal answers, such as shaking your head, so it is important you answer each question with an audible verbal answer. Do you understand?

Ms. Jones. Yes, I do.

Ms. Anderson. We want you to answer our questions in the most complete and truthful manner possible, so we are going to take our time. If you have any questions or do not understand any of our questions, please let us know. We'll be happy to clarify or rephrase the question. Do you understand?

Ms. Jones. Yes, I do.

Ms. Anderson. If I ask you about conversations or events in the past and you are unable to recall the exact words or details, you should testify to the substance of those conversations or events to the best of your recollection. If you recall only part of the conversation or event, you should give us your best recollection of those events or parts of the conversations that you do recall. Do you understand?

Ms. Jones. Yes, I do.

Ms. Anderson. If you need to take a break, please let us know. We are happy to accommodate you. Ordinarily, we take a 5-minute break at the end of each hour of questioning, but if you need a break before that, let us know. However, to the extent possible, if there's a pending question, we would just ask that you finish answering the question before we take a break. Do you understand?

Ms. Jones. Yes, I do.

Ms. Anderson. Although you are here voluntarily and we will not swear you in, you are required by law to answer questions from Congress truthfully. This also applies

to questions posed by congressional staff in an interview. Do you understand?

Ms. Jones. Yes, I do.

Ms. Anderson. If at any time you knowingly make false statements, you could be subject to criminal prosecution. Do you understand?

Ms. Jones. Yes, I do.

Ms. Anderson. Is there any reason you are unable to provide truthful answers in today's interview?

Ms. Jones. No.

Ms. Anderson. Please note that if you wish to assert a privilege over any statement today, that assertion must comply with committee rules. Under committee rule 16(c)(1), it states, quote: For the chair to consider assertions of privilege over testimony or statements, witnesses or entities must clearly state the specific privilege being asserted and the reason for the assertion on or before the scheduled date of testimony or appearance.

In addition, committee rule 16(c)(3) states, quote: The only assertions of executive privilege that the chair of the committee will consider are those made in writing by an executive branch official authorized to assert the privilege.

Do you understand?

Ms. Jones. Yes, I do.

Ms. Anderson. Do you have any questions before we begin?

Ms. Jones. No.

Ms. Anderson. For the record, the majority's hour will start at 9:36 a.m.

EXAMINATION

BY MS. ANDERSON:

Q So when did you first join the Census Bureau?

A In 2002.

Q What was your role at that time?

A I was the speechwriter and special assistant to Louis Kincannon, the director of the Census Bureau.

Q And were you in that role until what time?

A Until 2006.

Q And what role did you have after?

A I was then the chief policy officer, reporting to Hermann Habermann, the deputy director at the Census Bureau.

Q How long did you hold that role?

A Until approximately 2008, when I became the special assistant to the -- to Arnold Jackson, the associate director for the Decennial Census Programs.

Q And how long did you hold that role?

A Until 2011, when I returned to the Policy Office as the chief privacy officer and chief policy officer, reporting to Thomas Mesenbourg.

Q What was your role after that?

A In 2013, I then became the special assistant and senior advisor to John Thompson, then the director of the Census Bureau.

Q Okay. Just to be clear, you said the role as policy chief to Thomas -- and what was his last name?

A Mesenbourg.

Q Mesenbourg. That was from 2008 to 2011?

A Yes.

Q And then you skipped to 2013. Was there a different role in between 2011 and --

A 2008 to 2011 was with the Decennial Census Programs, Arnold Jackson.

Q And then you went -- did you go back to a different role?

A Yes. Then I returned to the Policy Office to -- as chief policy officer and privacy officer.

Q Okay. And then from 2013 until how long did you hold that role with Mr. Thompson?

A I believe until about late 2015-16, and then I became the senior advisor to Ron Jarmin, who was then the assistant associate director for Research and Methodology.

Q How long did you hold that role?

A Until 20 -- till May of 2017, when I left the Census Bureau to the Department of Homeland Security's Privacy Office.

Q What was your role at the Department of Homeland Security?

A I was the senior director for Privacy, Policy, and Oversight.

Q When did you return to the Census Bureau?

A In February of 2018.

Q And what was your role upon your return?

A Senior advisor to Ron Jarmin.

Q When did you first become aware of discussions about adding a citizenship question to the 2020 Census?

A In December of 2017.

Q How did you become aware?

A From the ProPublica article.

Q Had you heard of any other discussions prior to reading it in the ProPublica article?

A No.

Q Had you participated in any discussions about adding a citizenship question before you returned to the Census Bureau in February 2018?

A Can you clarify the timeframe?

Q Sorry. Yes. You said that you returned to the Census Bureau in February of 2018. Is that correct?

A That's correct.

Q Had you had any discussions about adding a citizenship question to the census prior to your return?

A Can you clarify the timeframe?

Q So prior to February 2018, had you had any discussions about adding a citizenship question to the census?

Mr. Woodward. Ever in her life?

Ms. Anderson. Yes.

Ms. Jones. Yes.

BY MS. ANDERSON:

Q Okay. When did you first have discussions?

A I believe that goes back to probably the early 2000s.

Q Who were those discussions first with?

A In -- I don't recall the year, but there was -- there was eventually a hearing in 2005 on adding the citizenship question to the census for the 2010 Census. I think we became aware of the issue at the Census Bureau sometime in -- sometime before that, in 2003 or 2004, I don't recall, but there was congressional interest in that.

Q And just to be clear, you weren't aware of the current administration's interest in it until December of 2017?

A Yes, that's correct.

Q When did you first hear of the Secretary's interest in potentially adding the citizenship question?

A I believe in December of 2017.

Q At the same time?

A Yes.

Mr. Woodward. And that's the Secretary of?

Ms. Anderson. Commerce. Thank you.

BY MS. ANDERSON:

Q Did the Secretary ever mention or discuss with you why he was interested in potentially adding a citizenship question?

A No.

Q Did anyone else ever mention why Secretary Ross was interested in adding a citizenship question to the 2020 Census?

A The only references made were to the Department of Justice letter.

Q Were you ever told, implicitly or explicitly, not to ask why the Secretary was interested in adding a citizenship question?

A No. No, I was not.

Q Okay. Did you ever discuss or participate in discussions about why the Secretary was interested in adding a citizenship question?

A Can you clarify with whom?

Q With anyone.

A Within the Census Bureau, we did discuss the Department of Justice letter.

Q Okay. Did you discuss any other reasons why the Secretary might want to add a citizenship question to the 2020 Census?

A Not -- no, not substantively.

Q Are you aware of Secretary Ross speaking with anyone else at the Department of Commerce about the citizenship question?

A Can you clarify that? I don't -- I don't understand the question.

Q Sure. Did you become aware of Secretary Ross having discussions with anyone at the Department of Commerce about the citizenship question?

A Yes. I knew he discussed it with Karen Dunn Kelley, with Mike Walsh, with Earl Comstock, and James Uthmeier, as well as Ron Jarmin and Enrique Lamas and John Abowd.

Q Did you ever become aware of the substance of those discussions?

A Yes.

Q Okay. What did he discuss with Karen Dunn Kelley?

A I don't --

Mr. Dewhirst. I'm going to interpose an instruction not to answer as that compromises executive branch confidentiality and litigation concerns.

Ms. Anderson. Okay. What did he discuss with Mike Walsh?

Mr. Dewhirst. Same instruction to the witness.

Ms. Anderson. Earl Comstock?

Mr. Dewhirst. Same instruction.

Ms. Anderson. James Uthmeier?

Mr. Dewhirst. Same instruction.

Ms. Anderson. Ron Jarmin?

Mr. Dewhirst. Same instruction.

Ms. Anderson. Enrique Lamas?

Mr. Dewhirst. Same.

Ms. Anderson. And John Abowd?

Mr. Dewhirst. Same instruction.

BY MS. ANDERSON:

Q Are you aware of Secretary Ross speaking with anyone outside of the Department of Commerce or the Census Bureau about the citizenship question?

A I became aware on the provision of the supplemental administrative record.

Q Who did you become aware that he was talking with?

A Only from the emails that were reported in the administrative record.

Q Okay. Did you have substantive or nonsubstantive conversations about adding a citizenship question with anyone at the Department of Commerce, separate from the Census Bureau?

A Yes.

Q Okay. Who with?

A Mike Walsh, Karen Dunn Kelley, and Earl Comstock.

Q What did you talk about with Mike Walsh?

Mr. Dewhirst. I'm going to instruct the witness not to answer on the same basis.

Ms. Anderson. What did you speak about with Karen Dunn Kelley?

Mr. Dewhirst. No instruction.

Ms. Jones. Karen Dunn Kelley asked questions about the administrative records and alternative C that the Census Bureau had recommended for providing citizenship data.

BY MS. ANDERSON:

Q And when did those conversations occur?

A They occurred in February and March of 2018.

Q And what did you speak about with Earl Comstock?

A Similarly, Earl Comstock asked questions about the Census Bureau's

administrative records and how -- the coverage of the administrative records and how we would use the administrative records for alternative C.

Q Is that all he asked about?

A He asked also about the -- what the Census Bureau -- when the Census Bureau pointed out the discrepancy between what we were -- what was provided from response answers from respondents in comparison to the administrative records, he asked questions about the Census Bureau's concerns about that and its concerns about the effects on the nonresponse followup operation from alternative B.

Q Was he only asking questions of you or did he have any -- did he discuss any other issues regarding the citizenship question?

A He asked questions about the Census Bureau's technical paper and followup questions about administrative records, primarily.

Q Did you speak with anyone outside of the administration about the addition of a citizenship question to the 2020 Census?

A Yes.

Q Okay. Who did you speak with?

A I have spoken with stakeholders. Probably -- you know, members of the Census Bureau's Advisory Committee, at the meetings. I don't recall specific conversations. I have spoken to other friends and former Census Bureau employees, including Hermann Habermann.

Mr. Woodward. Don't forget about me.

Ms. Jones. And my counsel.

BY MS. ANDERSON:

Q Sure.

A John Thompson, Arnold Jackson, Marilia Matos.

Q Did you speak with Mark Neuman?

A Yes, with Mark Neuman. Amy O'Hara.

Q Did you speak with Thomas Hofeller?

A No, I did not.

Q Anyone at the White House?

A No.

Q Did Secretary Ross or anyone at the Department of Commerce ask you to do anything regarding the addition of a citizenship question to the 2020 Census?

Mr. Dewhirst. Would you repeat that?

Ms. Anderson. Sure.

BY MS. ANDERSON:

Q Did Secretary Ross or anyone at the Department of Commerce ask you to do anything about the addition of a citizenship question to the 2020 Census?

Mr. Woodward. You mean like did he individually reach out and ask her to do anything?

Ms. Anderson. Yes.

Mr. Woodward. Or indirectly?

Ms. Anderson. No, individually.

Ms. Jones. I was asked to provide a summary of the Census Bureau's memorandums of understanding, the MOUs that the Census Bureau was pursuing with the Department of Homeland Security and the Department of State, as well as updates on other administrative records agreements that we were pursuing.

Mr. Woodward. Just to clarify, did the Secretary directly ask you to do that?

Ms. Jones. No. I was asked to provide it for the Secretary.

BY MS. ANDERSON:

Q How about anyone else at the Department of Commerce?

A Yes.

Q Who?

A Karen Dunn Kelley.

Q What did she ask you to do?

A She asked for that, for that information. She also asked for information about -- once again, about administrative records. She asked for information about the Census Bureau, its match rate between administrative records and census responses.

Ms. Sachsman Grooms. When was that?

Ms. Jones. I believe that was in March of 2018.

BY MS. ANDERSON:

Q How did you know Thomas Hofeller?

A I -- in 1998, when I worked at the Census Monitoring Board, Thomas Hofeller was the staff director of the Census Subcommittee at that time, and we had extensive collaboration between the Census Monitoring Board and the Census Subcommittee.

Q Did he ever speak with you about adding a citizenship question to the census?

A Yes.

Q What was his opinion or statements about that?

A He was supportive of it. He cited use for redistricting.

Q Do you recall what he -- how he wanted to use it?

A I don't recall specifics. I do know that he mentioned using it -- that it was something that they used for redistricting.

Q Who's "they"?

A "They" being I think generally the Republican redistricting effort.

Q Did he ever discuss with you how he wanted to go about adding it?

A No, he did not.

Q How many times did you speak with him or did he speak about using citizenship data for redistricting?

A I remember only a couple of times.

Q Do you remember when those conversations occurred?

A In 2013 and 2014.

Q Did he initiate those conversations?

A They were in the context of broader discussions and broader social engagements.

Q Could you explain? Was it in person, in email?

A Yes, it was in person.

Q Do you remember where?

A In 2014, the Census Bureau's director, John Thompson, attended the National Conference of State Legislatures meeting in Minneapolis. A number of us, including John Thompson and Jeannie Shiffer, who was then the associate director for communications, had dinner with Tom Hofeller. And I think Tom took the opportunity to bring that up with John there at dinner.

And the other occasion, which I cannot remember if Tom was there when it was brought up, was at a 2013 meeting of the National Conference of State Legislatures here in town.

Q Are those the only two conversations you recall?

A Those are the only specific conversations I remember.

Q How often did you talk to Thomas Hofeller?

A Fairly frequently. I would say probably 8 to 10 times a year.

Q Was it mostly him initiating those conversations or mutual?

A It was mutual. We were friends.

Q Did he ever provide you any documentation?

A No.

Q Did you ever provide him any documentation?

A No.

[Jones Exhibit No. 1

Was marked for identification.]

BY MS. ANDERSON:

Q I'm going to hand you what's marked as exhibit 1. I'm going to turn your attention to page 8 of the document. If you could just take a second to read the conclusion section on 8 and 9.

A [Reviewing.]

Q Finished?

A Uh-huh.

Q Have you ever seen this document before?

A Only when it was released this summer.

Q Let's just turn to page 9. What I handed you was a copy of a study from 2015 that Thomas Hofeller wrote. And in it, he said on page 9, quote: A switch to the use of citizen voting age population as the redistricting population base for redistricting would be advantageous to Republicans and non-Hispanic Whites.

Is that what he discussed with you before when he was talking about redistricting and the use of citizenship data?

A No.

Q Okay. What was -- if no, what was the difference between the two?

A He -- as I remember, he mentioned how that it was used in the court's assessments of districts. I don't recall the specifics.

Q Okay. Are you aware -- you said that he first brought up -- one of your recollected conversations was in 2014 and John Thompson was present. Do you recall if he responded or if there was any further discussion about adding a citizenship question?

Mr. Woodward. Who are you asking about?

Ms. Anderson. John Thompson or anyone else who was working at the Census Bureau at the time.

Mr. Dewhirst. Could you just ask it again?

Ms. Anderson. Sure.

BY MS. ANDERSON:

Q You said that you recalled a conversation in 2014, and you said he had brought it up with you and with John Thompson and some other people. Do you recall if there was any further substantive conversation, if there was a response from anyone who was currently working at the Census Bureau about what he brought up?

Mr. Dewhirst. Who is currently working at the Census Bureau?

Ms. Anderson. No, who was at the time.

Mr. Dewhirst. Who was, okay.

Ms. Jones. I remember John politely accepting what Tom told him and saying that there could be further discussions about this but that, you know, we should hear from other -- we should hear from other stakeholders. And I believe that John took the opportunity to mention that the Department of Justice should also state its interest in this.

BY MS. ANDERSON:

Q So when he brought it up, he -- Mr. Hofeller being

"he" -- apologies -- brought it up in the context of the Department of Justice asking for it?

A No. John Thompson --

Q Okay.

A -- said -- because we -- we were in the midst of a review of the American Community Survey, and we were querying Federal agencies as to the uses of the data. And so John Thompson said that that was the appropriate mechanism to communicate the need for such data.

Q Okay. And that was with Thomas Hofeller that he said that?

A Yes. Yes.

Q Okay.

BY MS. SACHSMAN GROOMS:

Q So can you explain how it came to be that you were having dinner with Mr. Hofeller?

A Tom and I were friends. He was also a -- I would say he was a friend or an acquaintance of John Thompson. We were at the conference together. It was a happenstance occasion to have dinner together.

Q And what was Mr. Hofeller's job at the time?

A I believe that he was a private consultant.

Q Do you know for whom?

A I do not.

Q Do you know what kind of consultant work he was doing at the time?

A Redistricting.

Q And do you recall who paid for dinner?

A We each individually paid.

Q And then as you had that conversation, Mr. Hofeller brought up the

redistricting issue, Mr. Hofeller didn't say anything about the Department of Justice. Is that right?

A He did not.

Q Did he say anything about the Voting Rights Act?

A He did not. It was a very brief conversation.

Q Do you know -- you said then that Mr. Thompson, John Thompson, then said this would be a place where the Department of Justice should weigh in. Is that right?

A Uh-huh.

Q Do you know why he was suggesting the Department of Justice weighing in on the topic of redistricting?

Mr. Woodward. Just make sure you answer yes or no and not uh-huh. The court reporter can't write "uh-huh."

Ms. Jones. No, I do not.

BY MS. SACHSMAN GROOMS:

Q Did he explain any further why he was referencing to the Department of Justice in that context?

A No.

Q Do you have any sense of why the Department of Justice would have been the appropriate entity to weigh in on the redistricting issue?

A As I understand, the Department of Justice is the relevant department for reviewing redistricting plans and enforcing laws associated with redistricting.

Q Did Mr. Thompson, John Thompson, bring up at all the Voting Rights Act during that conversation?

A No.

[Jones Exhibit No. 2

Was marked for identification.]

BY MS. ANDERSON:

Q I'm going to hand you what's marked as exhibit 2.

A Yes.

Q Okay. So it's an email -- two emails. The first email is from January 7, 2010, and then there's a subsequent email I think later that same day.

Is one of your emails an email on the cc line?

A Yes.

Q Okay. Which one?

A [REDACTED]

Q Do you recognize any of the other emails on the cc line?

A I recognize Tom Hofeller's and Chip Lake's email, his House email.

Q Okay. Any other ones?

A I do not.

Q Do you recall who else may have been on this email or who else was on this email, besides you and the two other people you identified?

A Only the names that I see here.

Q Okay. And where did Chip Lake work?

A I don't know which committee he worked for, but I do know that he was a friend of Tom's.

Q Okay. And was this your personal email or your work email?

A It was a personal email.

Q The email is entitled, Redistricting Article, and the first email says: FYI. A little slanted, but it touches many of the bases.

Do you recall what Mr. Hofeller is referring to?

A I do not.

Q Okay. Do you recall why he'd be reaching out to you on your personal email with a redistricting article?

A I do not.

Q There was a response from a Michael Smith. Do you know who Michael Smith is?

A I do not.

Q Okay. Do you recall anything else about this email or this exchange?

A I do not.

Q How often did Mr. Hofeller send you emails with articles about redistricting, would you say?

A I don't think very frequently.

Q Would he often send them to you with sort of a group of other people?

A No, not that I recall.

Q Was there a specific reason why he sent it to your personal email versus your work email?

A I don't know.

Q Did you ever discuss sending certain things to your work email versus your personal email?

A No.

Q Did you have a particular interest in redistricting that would have prompted an email like this from Mr. Hofeller?

A No. Only from the standpoint that he was a friend, and this is what he did.

Q The 2010 Census was taken in 2010. Is that correct?

A Yes.

Q In April?

A Uh-huh.

Q Okay. And this was prior to April. It was in January of 2010. Would there be any reason why he'd want to specifically reach out to you around the census, the 2010 Census?

A No, I don't think so.

Q Did you ever connect or ask Mr. Hofeller to talk to anybody else about redistricting or a citizenship question?

A No.

Q Did he ever ask you to connect him with anyone else regarding redistricting or the citizenship question?

A No.

Q Did you ever discuss with him how adding a citizenship question could impact the participation of immigrants or noncitizens?

Mr. Dewhirst. Could you repeat that?

Ms. Anderson. Yes. Did you ever discuss with Mr. Hofeller how adding a citizenship question could impact participation from immigrants or noncitizens in the census?

Mr. Dewhirst. And you're talking about adding a question to the Decennial Census questionnaire?

Ms. Anderson. Correct.

Ms. Jones. Yes.

BY MS. ANDERSON:

Q Okay. What did you discuss?

A That it would have a negative impact on the response rate to the census, and

that the Census Bureau would be concerned about the impacts to the nonresponse followup and the differential undercount.

Q And how did he respond to that?

A I don't -- I don't remember him having a lot of response to that.

Q Okay. Just so I can be clear, he brought it up?

A He brought it up.

Q You may have -- or you recall telling him this might have an impact on the response rate, but then after that, you're not clear on how he responded or replied to that comment?

A He didn't engage or disagree with that statement, not necessarily that statement but that belief.

Ms. Sachsman Grooms. When was that conversation?

Ms. Jones. That was probably also in 2014, at dinner.

[Discussion off the record.]

Ms. Anderson. Was there anything else you wanted to say?

Ms. Jones. No.

BY MS. SACHSMAN GROOMS:

Q So is it fair to say that at dinner in 2014, when he raised the issue, you raised a concern about adding a citizenship question?

A Yes.

Q And did John Thompson, did he share that concern also during that conversation?

A He did not share that concern during that conversation; however, I know that that is one of John's concerns.

Q And did you perceive at the time, when John Thompson was telling him that

you would have to reach out to the Department of Justice, that he was being sort of dismissive of the topic or that he was engaging to encourage him to take further action?

Mr. Woodward. A lot of pronouns there. You're asking about what her sense is about John Thompson's --

Ms. Sachsman Grooms. Yes.

Ms. Jones. You're asking me for my perception about John Thompson?

Ms. Sachsman Grooms. Yes. From your perception of the conversation -- you obviously knew all these people -- was Mr. Thompson encouraging Mr. Hofeller to take further action or was he pushing him off and sort of being dismissive, or however you would describe it?

Ms. Jones. I would say that John was being polite but dismissive.

BY MS. ANDERSON:

Q Did you ever have any engagement or discussions with Dale Oldham, Mr. Hofeller's partner?

A Yes.

Q Okay. When were those?

A I have known Dale since 1998. He was a colleague at the Census Monitoring Board. I think it's accurate to say that Dale has always advocated for a citizenship question on the census.

Q So when do you recall having questions about or hearing him advocate for a citizenship question?

A Probably more times than I can remember.

Q Okay. Do you recall having a more specific conversation with him about it?

A No.

Q Okay. Do you recall why he wanted to add a citizenship question to the

census?

A I think Dale expressed similar ideas about redistricting, and I think Dale may also have expressed opinions about apportionment.

Q Okay. What were those opinions?

A That if the noncitizens were not included in the apportionment, that it would result in a different apportionment.

Q Different how?

A Different -- different States would gain and lose.

Q Which States?

A I don't know specifically.

Q Do -- go ahead.

A I do know that, you know, that they have run -- that there are different runs of the apportionment formula available in the public, but I don't know which specific States win and lose.

Q Sure. Did he advocate for a specific formula to be used or a specific result to be achieved?

A No. I don't think he was advocating for a different apportionment formula.

Q Okay. What about a -- was he aiming towards a specific result with getting this information and using it?

A I don't -- I don't know.

Q Okay. Were you in contact with him, would you say, as often as you were with Mr. Hofeller or more or less?

A No. No.

Q No, okay. How often were you in contact with him?

A Maybe once a year.

Q Okay. And in what context were you usually in contact with him?

A Generally, Hofeller would also invite him to dinner or to lunch.

Q Was that usually just the three of you? Were there more people that tended to come to these?

A It varied. Sometimes there were more people. Sometimes it was at Tom's house and there were many people there. Sometimes it was, you know, a couple of other people. It was not very often.

Q Would you say he expressed his views about adding a citizenship question -- you said more times than you can count. So would you say that he brought it up frequently?

A He brought it up frequently during my time working with him at the Census Monitoring Board.

Q Okay.

A I don't think it's accurate to say he brought it up frequently in the years thereafter.

Mr. Dewhirst. And just to refresh my recollection, what were the years that you worked at the Census Monitoring Board?

Ms. Jones. From 1998 to 2001.

Mr. Dewhirst. Thanks.

BY MS. ANDERSON:

Q And when you got in contact with Mr. Oldham, was it usually on the phone, on email, just in person?

A It was --

Mr. Woodward. What period of time?

Ms. Anderson. Ever. She said once a year, so --

Mr. Woodward. Okay. Not when she was at Census Monitoring?

Ms. Anderson. Correct.

Mr. Woodward. Okay.

Ms. Jones. It was generally in person, and it had been facilitated by Tom. It was not a -- I didn't -- I don't recall very often initiating contact with Dale.

Ms. Anderson. You mentioned earlier that you had been in contact with Mark Neuman about this topic.

Ms. Jones. Uh-huh.

[Jones Exhibit No. 3

Was marked for identification.]

BY MS. ANDERSON:

Q I'm going to hand you what's marked as exhibit 3.

I just want to start with the broader context. When did you first meet Mark Neuman?

A In 1998.

Q Okay. And how did you meet him?

A He was one of the appointed members of the Census Monitoring Board.

Q And did the two of you or did you hear him discuss adding a citizenship question to the census?

A Can you clarify the timeframe?

Q Ever.

Mr. Woodward. I think I would jump in here, because this is now a second email in a row that it predates the emails that you all asked about in your request of her. I don't see any issue with either of these but, you know, we haven't prepared. And so I assume you would have a problem with her not being fully prepared to address this

timeframe. I don't know how much --

Ms. Anderson. So right now we're not talking about the specific email.

Mr. Woodward. Okay.

Ms. Anderson. I'm going to ask her whether she recalls it, whether she recalls other instances around it, and then I think we can address it at that time. At this moment, I was just asking her how she knew Mark Neuman.

Mr. Woodward. Do you have a lot more from the 2010 timeframe?

Ms. Anderson. I think we're going to ask her what she recalls and kind of go from there.

Mr. Woodward. All right.

Ms. Jones. Yes.

Ms. Anderson. Okay.

Mr. Dewhirst. What was the question?

BY MS. ANDERSON:

Q Did you discuss the citizenship question with Mark Neuman? And I believe the answer was?

A Yes.

Q Did you ever discuss his views on whether one or the Census Bureau or the Department of Commerce should add a citizenship question to the census?

A Yes.

Q Okay. What were his views?

Mr. Woodward. When specifically are you referring to?

Ms. Anderson. Did his views change at some point?

Mr. Woodward. When specifically? Let's take it by time.

Ms. Anderson. Okay.

BY MS. ANDERSON:

Q You said you met him in 1998. What were his views -- when did he first bring it up, to your recollection?

A During his tenure as a member of the Census Monitoring Board.

Q Okay. What were his views then?

A He was opposed to it.

Q Do you remember why?

A Yes. It was concerns about the differential undercount and the response rate to the census.

Q Okay. Did his views change after 1998, when he was opposed to it?

Mr. Woodward. If you know.

Ms. Jones. I believe they did.

BY MS. ANDERSON:

Q Okay. When?

A I do not know when.

Q Can you give an approximate? Was it -- no?

A I don't know when.

Q Okay. Do you know why his views changed?

A I do not.

Q Did he discuss with you -- you said he was opposed because he was concerned about differential undercount. When he changed his view at some point after 1998, did he discuss why he thought it was now appropriate or if the Census Bureau should add it?

A Yes.

Q Okay. Why?

A He --

Mr. Woodward. Let's do when first. I want to make sure that we're appropriately cordoning off conversations that may have happened either in the context of the litigation, the context of the predeliberation process. So --

Ms. Anderson. My understanding is she didn't remember when.

Mr. Woodward. Let's just take this very slowly so that we're not encouraging -- these guys have a job to do as well. And we --

Ms. Anderson. Sure. And they didn't object to the question. So I was -- unless you have a --

Mr. Dewhirst. Maybe you could repeat it.

Ms. Anderson. Sure. Okay.

BY MS. ANDERSON:

Q You said that his views changed at some point, and I asked -- he at some point thought it was inappropriate to have the question on a Decennial Census, and then at some point, he decided it was appropriate. Why did he think it was appropriate later in time to add the question?

Mr. Woodward. Do you know why?

Ms. Jones. I do not know why.

BY MS. ANDERSON:

Q Okay. Did he discuss any rationales that would support adding a citizenship question --

A Yes.

Q -- to the Decennial Census?

A Yes.

Q Okay. What did he discuss?

A He discussed an example, a redistricting example from the State of Illinois that he believed, because knowing where actual eligible citizen voters were, resulted in increased Hispanic representation in the city of Chicago.

Q So I'm just going to turn your attention to exhibit 3. It's an email from March of 2010, and your I presume work email at the time appears on that. Is that correct?

A That's correct.

Q And then on the upper part of the email, you forwarded this email to Mark Neuman.

Did you often forward government emails to Mr. Neuman?

A I don't -- no, I do not remember.

Q Not just in this specific instance?

A No, I don't remember doing so generally.

Q Okay. Do you know why you would want to inform him about things to his personal email from your work email regarding the census?

A As I read this, we were trying to reach out to stakeholders broadly about, you know, rebutting this video. So he -- Mark Neuman had also been the chair of the Census Advisory Committee. So -- I don't recall this email, though.

Q Sure. Were you aware of conversations or communications between Mr. Neuman and Mr. Hofeller, generally speaking?

A Yes.

Q From when did you become aware that they were in communication or spoke?

A Early -- either in late 2016 or early 2017, I don't recall, Mark asked if I was still in contact with Tom Hofeller and if I knew how to reach him.

Q Okay. Did he say why?

A He did not.

Q Did you provide contact information?

A I did.

Q Okay. Were you a part of any subsequent followup that Mark did with Mr. Hofeller?

A No.

Q Did you talk with either of them after they had discussions about what they had discussed?

A No.

Q Were you aware of Mr. Neuman having conversations with the Trump Administration about adding a citizenship question?

A Yes, in the provision of the administrative record.

Q Okay. Outside of that, did you have any --

A Not at -- not in real time.

Q Okay. Did Mr. Neuman ever tell you that he was preparing a draft letter written from the perspective of the Department of Justice to the Census Bureau requesting the addition of a citizenship question?

A No.

[Jones Exhibit No. 4

Was marked for identification.]

BY MS. ANDERSON:

Q I'm going to hand you what I'm going to mark as exhibit 4. Please ignore the bottom sticker that says 18. It will be exhibit 4.

A Okay.

Q Have you ever seen this document before?

A Only in this past summer.

Q Sure. But not prior to that?

A No.

Q Okay. Did you ever discuss with Mr. Neuman any of the contents that are represented in this letter?

A No.

Mr. Dewhirst. Can I -- just a point of clarification.

Ms. Anderson. Sure.

Mr. Dewhirst. When you say in this last summer, you mean in the last couple months?

Ms. Jones. Yes, that's correct.

BY MS. ANDERSON:

Q Did you ever hear Mark Neuman discussing providing anyone in the administration with documents or information regarding adding a citizenship question to the 2020 Census?

A No.

Q Okay. Did you ever discuss with Mark Neuman why it may be appropriate or the Department of Commerce needed another agency to make a request of the Census Bureau to add a citizenship question?

Mr. Dewhirst. Can you repeat that, please?

Ms. Anderson. Sure.

Did you ever discuss with Mr. Neuman or hear Mr. Neuman talk about why another agency may need to request the addition of a citizenship question?

Ms. Jones. Yes.

Ms. Anderson. What did you discuss?

Mr. Woodward. When?

Ms. Anderson. Do you recall when that conversation occurred?

Ms. Jones. Yes. It was the summer after this -- after these documents became public.

Mr. Dewhirst. Of 2019?

Ms. Jones. Of 2019. Yes.

BY MS. ANDERSON:

Q Okay. You had a discussion in 2019 with Mark Neuman?

A Yes, following these documents being made public.

Q What did you discuss?

A Mark just -- he explained what he was doing, I mean, why he had written this.

Q Okay. What did he say?

A To basically -- I don't remember the specifics but that he was just sort of putting -- putting a draft out there.

Q Out there to who?

A He didn't tell me who.

Q Okay. Did he say why he was, as you said, putting a draft out there?

Mr. Dewhirst. Yes or no.

Ms. Jones. Yes.

BY MS. ANDERSON:

Q Okay. Why?

A He drew my attention to this sentence about the Latino representation.

It's in the last final -- the last full paragraph of the document.

Q Okay. The, our understanding is that data on citizenship is specifically required to ensure the Latino community achieves full representation in redistricting?

A Yes.

Q And he didn't say anything else besides the fact that he put a draft, quote, out there --

A I mean --

Q -- for that purpose?

A I mean, he told me that he had -- you know, that yes, he had contributed to this, and that this -- this was his interest, in increasing Latino representation. That's what he told me.

[Jones Exhibit Nos. 5

And 6 were marked for identification.]

BY MS. ANDERSON:

Q I'm going to hand you what's marked as exhibit 5 and exhibit 6.

For exhibit 6, if you can just read the summary portion on the first page. You don't have to read the full five pages.

A [Reviewing.]

Mr. Dewhirst. So these are two exhibits or one exhibit?

Ms. Anderson. Two, 5 and 6. The wordier one is 6.

BY MS. ANDERSON:

Q Ready?

A Uh-huh.

Q Okay. So exhibit 5 is from January 6, 2015, and it's an email from -- is this your personal email again?

A Yes, it is.

Q Okay. -- to Mr. Hofeller, and the subject is, FR Notice. And in it you wrote: The notice ends on 2/27. Public comments highly useful in this context.

And then you send a link. That link links to the exhibit 6 and the summary.

The summary says: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

Do you recall why you sent this particular link and noted the notice and comment period to Mr. Hofeller?

A I don't recall sending the email, but I think I shared this notice with others as well.

Q Why would you have shared it?

A Because the Census Bureau was seeking public comment.

Q Okay. And why would you have sent it from your personal email versus your work email if it was for the purposes of the Census Bureau getting public comment?

A I don't recall.

Q Okay. And then you followed up to that email the next day and wrote, quote: "This can also be an opportunity to mention citizenship as well." What did you mean by that?

A As this was a discussion about the content of the -- for the -- for the National Content Test. This is the pretesting for the 2020 Census. And the Census Bureau was in an effort to finalize the content of the form and to conduct as much testing as possible in the midpart of the decade to avoid late design changes. And so trying to get as many issues as possible to surface in the time period in which the Census Bureau could openly and transparently and fully test them would have been useful.

Q Okay. So this one's also from your personal email. Is that correct?

A It is.

Q Did you reach out to all people you thought should or could raise issues from your personal email about this notice?

A I don't -- I don't recall.

Q Okay. When you reached out to people and sort of said, hey, there's a notice, did you flag for them particular issues that they could bring up or should bring up in the comment?

A Yes.

Q Okay. Every time?

A In the few that I remember, I would reach out to particular stakeholders because they had an interest in certain items related to either a test or a public comment notice.

Q And do you recall what you meant by public comments would be highly useful in this context?

A I do not.

Q Do you recall reaching out to other people and inviting them or offering to them a space to bring up potentially asking a citizenship question on the Decennial Census?

A No.

Q Do you recall whether he responded to this email?

A No.

Q Do you recall whether he posted a public comment asking for that information?

A No, I don't think he did.

Mr. Dewhirst. So you do recall that you don't think he did?

Ms. Jones. I only recall the summary of the -- of the -- of the Federal Register notice and the process, and I don't remember citizenship being mentioned in the final analysis.

Ms. Anderson. Did you send this to him, I guess the double email, in an effort to get him to do anything regarding the public comment?

Ms. Jones. I don't recall sending the email. I think I was -- on reading it, I was probably trying to get him to put it in the public conversation.

Ms. Sachsman Grooms. Why?

Ms. Jones. So that the Census Bureau could effectively deal with the issue.

Ms. Anderson. Had the issue come up in other spaces at that time?

Ms. Jones. No.

Mr. Dewhirst. Ever?

Ms. Jones. Yes, it had.

BY MS. SACHSMAN GROOMS:

Q What do you mean by "so that the Census Bureau could effectively deal with the issue"?

A So that we could engage in public comment about the issue, so that we could -- we could do testing, if required, so that we could adequately plan for any type of late design. Anything to avoid a late design change.

Q And you did that even though you personally thought it was not a good idea. Is that accurate?

A Yes.

Q Can you just explain why that is?

A I don't think asking him to do this was a foregone conclusion that the

citizenship question would be on the form. I thought that raising it would create an atmosphere so that we could have a discussion about it and hopefully be able to provide enough information as to why it was not desirable to be put on the Decennial Census.

Q And did you ever have a conversation with him about why he did not choose to take the step of entering it into the public comment period?

Mr. Woodward. That's Dr. Hofeller?

Ms. Sachsman Grooms. Yes.

Ms. Jones. No, I had no further engagement with him on citizenship.

Mr. Woodward. That you recall?

Ms. Jones. That I recall.

BY MS. ANDERSON:

Q I guess my confusion is you said that this wasn't really an issue anywhere else at the time. Is that correct?

A Yes.

Q And it wasn't coming from other spaces, it wasn't being discussed widely, but you were trying to draw it out of Mr. Hofeller. I'm just confused as to why. If it wasn't going to be -- if it wasn't really an issue and it wasn't something that people were bringing up, so it wasn't something you necessarily had to deal with, why was there a particular reach out to him in order to draw that out?

Mr. Woodward. I don't think that's an entirely accurate characterization of her testimony, because she did already testify that it had come up in a meeting the prior year.

Ms. Anderson. I was summarizing what I heard her say. I'm happy -- if that's not accurate, I'm happy for you to clarify what you recall from this timeframe.

Mr. Dewhirst. I think some of the trouble might be that the question was a little bit vague. So maybe we can just restart on the question itself.

Ms. Anderson. Sure.

This was not a topic that was coming up elsewhere at the time. Is that correct?

Ms. Jones. Yes.

Ms. Anderson. Okay. So why did you go through the extra step of drawing it or emailing or flagging it I guess twice for Mr. Hofeller when it was not something that had come up in any other context?

Mr. Dewhirst. Object to the characterization of the question. I think it's hard to say that Christa did that twice, looking at this document, but --

Mr. Woodward. I think we can get through this by just asking simple questions, right? What was the purpose of the first email that's different than the purpose of the second email?

Ms. Anderson. And I'm happy -- I can take away the "twice."

BY MS. ANDERSON:

Q You reached out to Mr. Hofeller, and you also said that this was not a topic that was coming up. So why did you reach out to him specifically about this topic that was not a topic that was being talked about elsewhere?

A Can I go back to the 2010 Census?

Q Sure.

A So in the 20 -- in the lead-up to the 2010 Census, the citizenship question came up twice during the decade. The first time was in the midpoint of the decade, when Louis Kincannon was asked to testify. And then it came up again shortly before the 2010 Census. And it generated a lot of controversy at the time. It generated a lot of effort at the Census Bureau to respond to that. It was an amendment from Senator Vitter. And that's what I was hoping to avoid, was any type of late coming onslaught of the citizenship issue.

Q Okay. And so my next question is, why did you go to Mr. Hofeller as opposed to anyone else to bring up this topic?

A I knew -- I knew Tom Hofeller. I knew his interest in this. I don't -- I just -- I knew his interest in it. And I didn't feel comfortable necessarily, you know, going to anyone I did not know and who had an interest in this.

Q Why didn't you feel comfortable if it was a topic that you just sort of wanted to deal with on the front end?

A I just -- I knew Tom Hofeller, and he was a leader in that community. So --

Q And what community is that?

A The Republican redistricting community.

Ms. Anderson. I think we're almost at our hour, so we can take a 5-minute break and come back at, let's say, 10:40.

We can go off the record.

[Recess.]

[10:48 a.m.]

EXAMINATION

BY MS. JOHNSON:

Q Okay. I'll note for the record it is 10:46. We'll go back on the record.

Good morning. My name's Ellen Johnson. I'm with the Republican staff.

Thank you for being here today. Some very good people on your side of the table.

I just want to start by clarifying sort of the timeline of your employment that my majority counterparts talked about. So, you've been -- you were at the Census Bureau starting in 2002. Could you just restate where you were before that, starting in 1998?

A Yes. I was with the Census Monitoring Board from 1998 through 2001, and then I was at the Department of Commerce for a little less than a year before going to the Census Bureau.

Q Okay. And you were at the Census Bureau then until May of 2017 when you went to the Department of Homeland Security?

A Yes. That is correct.

Q Why did you go to the Department of Homeland Security?

A I had been working in -- as the chief privacy officer at the Census Bureau, involved in privacy and confidentiality issues at the Census Bureau and I wanted the opportunity to go to another agency to work on privacy.

Q Okay. And what were your duties? What were some of the things that you worked on while you were at DHS for the year you were there?

A I worked on issues relating to privacy, you know, policy guidance, the Privacy Incident Handling Guidelines, breach notification, several breaches at DHS, breach handling, and other general policy issues relating to privacy.

Q Okay. While you were at DHS, did you know that the Commerce

Department had reached out to Department of Homeland Security about the citizenship question?

A No, I did not.

Q Okay. When you were at the Department of Homeland Security, did you know Gene Hamilton?

A No.

Q Why did you leave the Department of Homeland Security and return to the Census Bureau?

A When Ron Jarmin became the acting -- well, I guess, performing the nonexclusive duties of the Director of the Census Bureau, he asked me to come back. I had worked for Ron Jarmin before, and Ron Jarmin asked me to return to the Census Bureau.

Q And I assume Mr. Jarmin valued your expertise and felt comfortable with you being chief of staff and that's why he asked you to return?

A I returned as the senior advisor to Ron Jarmin. I have only this year become the chief of staff in the director's office.

Q And Mr. Dillingham, Dr. Dillingham was confirmed?

A It was after his confirmation but I -- I, in fact, was interviewed and the decision was made by Ron Jarmin.

Q So, the citizenship question has been a longstanding issue across several censuses, so not just 2020, the 2020 Census; but you also mentioned the 2010 Census. Do you recall before the 2010 Census discussing citizenship?

A Yes. Yes.

Q How far back do you remember the citizenship question?

A It was a small issue in 2000. The advocacy group FAIR was a member of the

Census Bureau's advisory committee at the time.

Q What does FAIR stand for?

A I honest --

Mr. Woodward. It's okay.

Ms. Jones. It's an anti-immigration group.

BY MS. JOHNSON:

Q Okay.

A And it was a member of the Census Bureau's advisory committee. I don't know what "F" stands for, but it's Americans For Immigration Reform.

Q Okay.

A They -- so, but it was not a consuming issue in the 2000 census. I know from research and from consulting and consulting people who were part of the 1990 census, including John Thompson, Howard Hogan, Mark Neuman, Louis Kincannon, that it was a very big controversy in the 1990 census and it had also been a controversy in the 1980 census because there was a lawsuit, FAIR v. Klutznick, concerning citizenship and the census.

Q In 1990, to your knowledge, I mean, you obviously weren't there but do you recall what those who were there said to you about that 1990 census?

A Yes. It was the Census Bureau, you know, has consistently been concerned about the citizenship question and about the impact on the response rate and the nonresponse rate and differential and potential differential undercount associated with the citizenship question. So, in 1990, that was once again the set of concerns that the Census Bureau had about the citizenship question.

Q Okay. And it's fair to say that those were similar concerns that Census Bureau had even as far back as the 1980 census, correct? You don't -- if you

don't have anything to add --

A I don't contradict --

Q -- know.

A I don't know anything to contradict that.

Q Okay. So, we'll just stick with 1990. So as far back as the 1990 census, citizenship has come up in one way or another in every Decennial Census since 1990 that you're aware of?

A Yes, that is correct.

Q Okay. And sometimes it's been more prominent like it has been in the 2020 Census, and sometimes it's come up just sort of in passing. Is that fair?

A Yes, I think that's fair.

Q Okay. And so there's sort of a large span of not just directors from 1990 to 2020 but a number of different commerce secretaries, a number of different Presidential administrations, a number of different congressional administrations. Is that --

A Yes.

Q Correct?

A Yes. That's correct.

Q And so I want to focus. You said that there was seemingly a very critical dinner in 2014 in you said Minneapolis?

A Yes.

Q With Mr.

A Hofeller.

Q -- Hofeller and John Thompson and a few other people.

Mr. Hull. I'm sorry. Did you say critical?

Ms. Johnson. Yeah, it seems --

Mr. Hull. I assumed --

Ms. Johnson. That it was a very critical dinner or at least in the timeline that the Democrats laid out in their hour.

BY MS. JOHNSON:

Q Can you tell me in 2014 who was the President?

A President Obama.

Q Okay. And to your knowledge in 2014, was citizenship being considered for the 2020 Census?

A Can you clarify?

Q In 2014, was, to your knowledge, was the Administration, the Commerce Department and the Obama administration, considering asking the citizenship question?

A Not to my knowledge.

Q Not to your knowledge. Okay.

I want to refer you back to the exhibit number 6. That's the Federal Register notice that went out December 2nd, 2014. I know it's a long document and you may not have had a chance to read it all but do you -- just to clarify, this Federal Register Notice is the one that you sent to Mr. Hofeller via email, correct?

A Yes, it is the link from this email.

Q Do you recall if the word "citizen" or "citizenship question" appears in this Federal Register notice?

A I don't recall that it does.

Q Would you be surprised if I told you that it does not appear?

A No, I -- no, I am not surprised.

Q Okay. Why are you not surprised?

A Because the Census Bureau was not actively pursuing a citizenship question.

Q So, at the time this notice did go out, what was the Census Bureau considering for the content of the 2020 Census questionnaire?

A We were pursuing revisions to the race and Hispanic origin question because we felt that we could get greater accuracy from a different strategy than asking the question separately, that we would get more accurate, detailed information by presenting the options within the race categories differently.

We were also, you know, responding to concerns from the Middle Eastern/North African community about needing an option to be provided on the form so that they could identify, because they did not necessarily identify as white, which was consistent with the OMB race standards.

Q Were there any other issues that were active at this time for the questionnaire?

A The questionnaire, you know, we were also trying to, you know, settle certain issues about, you know, where people are counted. That's not the content of -- that's not the National Content Test but it was also, I would say, a coexistent issue in this time period.

Q Another issue regarding the National Content Test was the "generate any sexual orientation" questions. Is that correct?

A Yes, I believe so.

Q Okay. And adding same-sex partnerships to the relationship --

A Yes.

Q -- section? Is that also correct?

A Yes.

Q Okay. So, there were a lot of potentially new additions to the census questionnaire. Would you describe those issues that you listed, the Middle East/North

Africa, the issues regarding gender identity and sexual orientation and adding the same sex relationship status as controversial issues for the census questionnaire?

A I believe in some communities they were controversial. I don't think that all of them were, you know, consistently.

Q So, some -- there were -- so, those issues were controversial in some communities but not in others?

A Yes.

Q Is it also fair to say that the citizenship question is controversial in some communities but not in others?

A Yes, I think so.

Q Okay. Did you forward this Federal Register notice to anyone else?

A I don't recall specifically.

Q So, you don't recall sharing the notice with anyone else or telling anyone else that it was publicly available for comment?

Mr. Woodward. Anyone else other than Dr. Hofeller.

BY MS. JOHNSON:

Q Anyone else other than Dr. Hofeller.

A I think that I -- I think that I shared this with friends who had been in the advisory committees. I don't think I was the only one sharing this link and asking people to respond to this.

Q So, I mean, the National Content Test is a very important lead-up critical phase in the census Decennial Census cycle.

A Yes.

Q So, having accurate and robust comments is important to the Census Bureau understanding what we're here on the questionnaire, correct?

A Yes, it was very important to the planning for 2020.

Q So, you and presumably others would have widely publicized this to anyone who you believe would have been able or willing to provide a public comment, regardless of what that comment may be?

A Yes.

Q Because, I mean, why is it important to have a wide array of comments to specifically the National Content Test?

A Our goal is to -- our goal is to have as many issues, concerns raised about the content and other operations of the census as possible so that we can deal effectively with them. In some cases if there -- if, you know, if we add confusion to the forms, you know, such as, you know, not having the right race categories or the most predominant or emerging groups on there and people don't see themselves on the form, they might not answer the form and that can have impacts on the census.

I think we were also concerned at that time about whether or not the presentation of the questions in an electronic format would be effective because this is the first census in which the Census Bureau is really pursuing an electronic response option.

Q Okay. And do you recall how many total comments were received for this Federal Registry Notice?

A I do not recall the number. I believe it received a lot of comments, probably in the thousands, probably --

Q The thousands?

A Probably.

Q Okay. And I think you stated earlier that you don't recall Mr. Hofeller submitting a comment. Is that correct?

A I do not recall. However, I was not reviewing the comments to these.

Q Okay. But you said that the summary of the comments that you received, you do not recall seeing citizenship even listed on the summary.

A I don't recall in the final summary notice there being a mention of citizenship.

Q So, that means -- would that mean that you -- the Census Bureau received no comments on citizenship or the number was so few as to be inconsequential?

A I don't know.

Q But if there had been a lot of comments, surely it would have been included in the summary document?

Mr. Woodward. If you know.

Ms. Jones. That would be -- that would be customarily addressed in the final notice.

BY MS. JOHNSON:

Q And because of your recollection is that it didn't appear. Thus it was -- there were not a lot of comments to the point where there were potentially no comments.

A I don't, in fact, know, because I didn't review the comments but it was not to my recollection it was not in the final notice.

Q Okay. So, you stated that the first time you became aware that the current Department of Commerce and the current administration were considering adding the citizenship question was when you read the ProPublica article in December of 2017.

A Yes.

Q What was your reaction when you read that article?

A Concern for the census and the Census Bureau.

Q Why is that?

A Because it represented a late design change, if it were to be on the form. It was not -- I read the letter as a request. So, I didn't know how the Census Bureau and the Department were dealing with it but that the Census Bureau, you know, it would have --

If the citizenship question were put on the census form that it would have negative impacts to the response rate and increase the nonresponse rate and potentially result in a differential undercount.

Q And at the time, December, 2017, you were at the Department of Homeland Security, correct?

A Yes.

Q And you had been at the Department of Homeland Security for about 8 months, 7 months?

A Yes.

Q From I guess before May of 2017, when you joined the Department of Homeland Security, so between January of 2017 and May of 2017, when you were still at the Census Bureau, did you know that the Department of Commerce was doing research into this? Had that -- did you have any knowledge of that?

A No, I did not know.

Q No. So, you didn't talk to anyone at the Commerce Department during that timeframe about the citizenship question or anything like that?

A No, I did not.

Mr. Woodward. That you recall.

Ms. Jones. Not that I recall.

BY MS. JOHNSON:

Q Okay. Subsequently in February of 2018, you did rejoin the Census Bureau and you did have discussions about the citizenship question. Were all of your discussions -- I think you listed Karen Dunn Kelly, Earl Comstock, Mike Walsh, James Uthmeier, Ron Jarmin, Enrique Lamas, and John Abowd. Were all of those conversations in the context of responding to the Department of Justice letter?

A Yes.

Q And all of your conversation -- well, and presumably additionally you had conversations about the drafting of Secretary Ross's March 26th, 2018, decision memo?

Mr. Woodward. Yes or no.

Ms. Jones. Yes.

Ms. Johnson. Were you involved in draft -- did you see any early drafts of that memo to your knowledge?

Mr. Woodward. Yes or no?

Ms. Jones. Yes.

Ms. Johnson. And you were aware at the time the various options being considered by the memo.

Ms. Jones. Yes.

Mr. Dewhirst. By the Bureau?

Ms. Johnson. In the memo, the options being considered in the Ross memo.

How long has the Commerce Department sought additional administrative records on citizenship?

Mr. Woodward. If you know.

Ms. Jones. Can you clarify the question?

Ms. Johnson. Sure. So, Secretary Ross's decision memo adds the citizenship -- well, at the time added a citizenship question to the questionnaire and

directed the Census Bureau and the Department of Commerce to reach out to agencies to obtain administrative records to better enumerate citizenship. How long has the Census Bureau been trying to obtain additional administrative records on citizenship before Secretary Ross' memo?

Mr. Woodward. Can you break that down by time period, you know, either February, 2018, or -- the census is a long time.

BY MS. JOHNSON:

Q Right. So in the time you've worked at the Census Bureau, have you known -- has there been an effort to obtain additional administrative records to better enumerate citizenship?

A Since March of 2018.

Q There was no effort prior to that at the Census Bureau? No one ever discussed maybe reaching out to other agencies to try and get additional administrative records on citizenship?

A No, not for the purpose of citizenship.

Q What were the other purposes, if not citizenship?

A So, the 2020 Census is also making use of administrative records in ways that prior censuses have not. We are using administrative records for the enumeration to determine when housing units are vacant or occupied, as well as for enumeration purposes. So the Census Bureau has been pursuing administrative records actively for the 2020 Decennial Census since early in the decade, probably as early as the planning from 2012 on.

Q So, that additional administrative records up until 2018, you didn't -- there was no talk of additional records on citizenship?

A Not for citizenship.

Q Okay. At all that you were --

A Not that I'm aware of.

Q -- that you're not aware of. Okay.

How often do you talk to Mr. Abowd about the 2020 Census?

A On a daily basis.

Q Did he believe that additional administrative records would be helpful for enumerating citizenship?

A Yes.

Q In early 2017, January to March -- I'm sorry -- January to May, 2017, did have you any conversations with Earl Comstock about the 2020 Census?

Mr. Woodward. What was that time period?

Ms. Johnson. January to May of 2017.

Ms. Jones. May I ask a question?

Mr. Woodward. Sure.

[Discussion off the record.]

Mr. Woodward. Can you ask the question again?

BY MS. JOHNSON:

Q Sure. From January to May, 2017, did you ever have any conversations with Earl Comstock about the 2020 Census?

A I don't think so. No, I don't recall.

Q What about Wendy Teramoto?

A No, I do not recall any.

Q James Uthmeier?

A No, I do not recall any.

Q Secretary Ross?

A No, I do not recall any.

Q Okay.

Mr. Dewhirst. The timeframe you're talking about is January to May of 2017?

BY MS. JOHNSON:

Q Yes. From January, 2017, to December, 2017, when you learned about the DOJ letter, did you have any conversations with Gene Hamilton about the citizenship question?

A No, not that I recall.

Q What about Kris Kobach?

A No, not that I recall.

Q John Zadrozny.

A No, not that I recall.

Q Andrew Bremberg.

A No, not that I recall.

Q Stephen Miller?

A No, not that I recall.

Q Steve Bannon?

A No, not that I recall.

Q Attorney General Sessions.

A No, not that I recall.

Q Reince Preibus?

A No, not that I recall.

Q And President Trump.

A No, not that I recall.

Q So, you had no knowledge whatsoever about any conversations about the

citizenship question in 2017 until you read the publicly released article and found out that this was under consideration.

Mr. Woodward. I'm sorry. Say that again. You had no knowledge --

Ms. Johnson. You had no knowledge that the citizenship question was being considered by the administration and the Department of Commerce -- sorry. Let me rephrase?

You had no knowledge that the Department of Commerce was considering adding the citizenship question until you read the December ProPublica article and you had no conversations with --

Mr. Woodward. Well, let's break them down.

Ms. Johnson. Okay.

Mr. Woodward. Did you have any knowledge?

Ms. Jones. No, not that I recall.

Ms. Johnson. And you had no conversations with anyone at the Department of Commerce or the Department of Homeland Security or at the White House in 2017 regarding the citizenship question.

Mr. Woodward. Let's break that down as well.
Commerce.

Ms. Jones. No, no the that I recall.

BY MS. JOHNSON:

Q Department of Homeland Security.

A No, not that I recall.

Q Department of Justice.

A No, not that I recall.

Q The White House.

A No, no that I recall.

Q So, you were at the Commerce Department under the Obama administration. Can you describe the management structure of the Decennial Census under the Obama administration?

A There was a -- I mean, the census -- there's the Census Bureau Director and the Census Bureau Deputy Director who are typically -- the Census Bureau Director is a Senate-confirmed appointee. The deputy director has traditionally been a career professional, and then reporting to the deputy director is the associate director for the Decennial Census program.

Q Right. So my question was more about the Department of Commerce. Who in the Obama administration did you regularly have contact with on the 2020 Census?

A The Economics and Statistics Administration.

Q Yes. That's what. I asked who, a name.

A Mark Doms.

Q Okay. And who is he? Like what was his job?

A He was the Undersecretary for Economic Affairs.

Q Did you talk with anyone else in the Obama administration about the 2020 Census in the Department of Commerce?

A No, not that I recall.

Q Okay.

A Sorry. The chief counsel for ESA, Barry Robinson.

Q Okay. The current secretary, Secretary Ross, has regular meetings about the 2020 Census to provide updates and status. Did Penny Pritzker also hold regular status update meetings on the 2020 Census?

A No, not that I recall.

Q How often did Penny Pritzker receive updates on the 2020 Census?

A I don't know.

Q To your knowledge did the census director or deputy director ever brief Ms. Pritzker about the 2020 Census?

A I don't know.

Q How has the management and leadership of the census changed from Secretary Pritzker to Secretary Ross?

A Secretary Ross, we do hold a monthly oversight briefing with him where we review the progress of the 2020 Census, as well as any outstanding issues. We have weekly meetings with Deputy Secretary Karen Dunn Kelly on, once again, program updates and other issues; and, you know, from those we have, you know, follow-up information responses, follow-up meetings as well.

Q Did you have a weekly meeting with the deputy secretary for ESA under the Obama administration?

A No, we did not.

Q How often did you brief the deputy secretary under the Obama administration about the 2020 Census?

A Can you provide a timeframe?

Q Sure. From 2009 to --

Mr. Woodward. Do you mean "you" in the colloquial sense or "you" in the individual sense?

Ms. Johnson. How often did the Census Bureau provide a briefing?

Ms. Jones. So, I can't speak for the time period in which I was the Research and Methodology Director because I was not involved in the Decennial Census programs as

all?

Mr. Woodward. You don't know.

BY MS. JOHNSON:

Q So that ended in, what, 2011 you --

A So, I was there in from 2015 to 2016 in Research and Methodology.

Q Research and Methodology. Okay.

But from two thousand -- it looks like in 2009 to 2015 --

A Uh-huh.

Q -- you were not in Research and Methodology. So, how often did to your knowledge did the Census Bureau brief?

A So, during the Decennial Census of 2010, the Census Bureau did -- I don't know what the cadence of briefings were because I was not directly involved in the meetings or preparing for those meetings but I know there was a regular cadence of meetings with the department during the Decennial operations.

Q So that dropped off at the end of 2010?

A Yes.

Q And to your knowledge between the end of the 2010 Census or the end of 2010 itself and the beginning of the Trump administration in January, 2017, to your knowledge you don't believe that those regular meetings ever restarted.

A I don't know. I don't --

Q Did you --

A I did not participate. I did not participate. I did not participate in it.

Q And you're not aware of anyone else participating in regular meetings with the Commerce Department on the 2020 Census?

A I don't -- I'm not aware but I don't know.

Q Okay. When Secretary Ross was confirmed, after he was confirmed, when was the first time that you were to your knowledge that you went in to brief him regularly? It was -- he was confirmed in, I believe, March or late February of 2017 and you were still at the Census Bureau.

A I was in the Research and Methodology directorate. So, I didn't participate in any regular meetings. When I returned in February of 2018, there was an established practice of regular meetings.

Q Okay. So, Research and Methodology you joined late 2015 and then you went immediately from there to the Department of Homeland Security.

A That's correct.

Q Okay. What can you just talk more about the your -- it seems fair to say you're an expert on privacy issues. The Department of Homeland Security hired you for privacy issues.

A Uh-huh.

Mr. Woodward. Yes.

Ms. Jones. Yes. Yes.

BY MS. JOHNSON:

Q You're familiar with Title 13 protections?

A Yes, I am.

Q Can you tell me what are the penalties for disclosing responses to the census question is?

A A fine of \$250,000 or 5 years in prison or both.

Q Okay. And to your knowledge if the citizenship question, you know, were to appear on the questionnaire -- we know now that it's not -- if it were, do you believe that the responses to the citizenship question could be used for any law enforcement

proceeding or immigration deportation proceeding?

A No, it would be a violation of Title 13 for individual data to be used in that way.

Q As a career Census Bureau employee, if you learned that a response to a citizenship question or really any question on the 2020 Census questionnaire were to be released publicly or -- how -- what would your response be to that?

A It would be a breach and it would be reported as a breach and we would take it to the inspector general and potentially to Congress.

Q Do you believe that the person who, if the person was discovered as having violated that, that oath that they take, do you believe that there should be even up to criminal prosecution of that?

A Yes, given the way that Title 13, that the statute is written, yes.

Q The Census Bureau spends a lot of sometime and money and effort from employees to make sure that there are no unlawful disclosures and they monitor access to responses and they limit access to responses.

Can you just briefly describe what the Census Bureau does to keep responses confidential?

A Yes. Well, it begins with the oath, the oath of nondisclosure, which is we stress that it is a lifetime oath to protect the census data; and then we have training for, you know, for Title 13.

We also have a series of policies that we refer to as data stewardship policies, and this is where we get into what you mentioned as restricting access. You're not allowed to see data, unless you have a business need-to-know.

So, if I was in the Economic Programs directorate, I shouldn't be looking at the singles census data and vice versa. We protect those data.

We do, especially when we used administrative records data, we limit, we even further limit access and we document all persons participating in those projects. So, if we were getting data from another agency for citizenship, we would even further documentation on the access to those records.

Then any prerelease documents are only accessible to career Census Bureau or sworn individuals. In order to release a document, you have to go to the Disclosure Review Board to release any type data, to be given permission from that; and we have been, under John Abowd's leadership we've actually been strengthening the policies, the process of the Disclosure Review Board to thoroughly document any approvals by the Disclosure Review Board.

And we are also -- we implement for depending on -- depending on the form of the data, whether it's a tabulation or a regression or anything like that, we have different processes that we use to protect the data. We're using -- for the 2020 Census we're going to be using differential privacy which is one of the cutting edge protection mechanisms in computer science and data science.

Q So that's a very robust privacy program, and the same robust privacy program would be applied to all questions and all data even administrative records received.

A Yes. That's correct.

Q Okay. I want to go back to a statement that you made to in the previous hour by my majority colleagues. You said that census data on citizenship to your knowledge is used in court assessments of districts.

Is that a fair summary of your statement?

A I would say I don't have direct knowledge, but that is my understanding.

Q Okay. Would that include Voting Rights Act cases?

A That is my understanding.

Q Not just -- I believe you stated that the data is used to draw districts. Does that include the majority/minority districts using the race data that is collected by the census questionnaire?

A I actually don't know. I don't know very much about redistricting; but that has been asserted, yes.

Q So you don't know much about redistricting.

A I do not.

Q So, you don't know if race data is used.

A I do know that the race data are used because they're on the P.L. 94-171 file that the Census Bureau produces.

Q And what else? What other data is included? What other categories of data are included on that?

A On the P.L.?

Q Uh-huh.

A It is a -- is all of the race categories and the voting-age population.

Q Voting-age population. Census-age voting-age population?

A No, just the P.L. file is just voting-age population.

Q Because we don't ask the citizenship question. So, the citizenship would not be included in that.

A The P.L. 94-171 data are taken from the Decennial Census, and the citizenship question is not on that. The census voting age population is a different product that was produced from the American Community Survey.

Q And is not as comprehensive or accurate as the P.L. 98?

A 94.

Q The P.L. 94. Sorry.

A Yeah.

Q The P.L. 94 which includes direct Decennial data on specifically all racial categories and then the total voting age population, correct?

A Yes. I don't think I would characterize it as comprehensive or accurate. The ACS doesn't support block-level estimates. It only supports block group and census-tracked estimates.

Q But the race data on the P.L. 94 is extremely accurate block-level data, as is the total population data, correct?

A Yes. The Decennial Census supports block-level estimates.

Q And to your knowledge, you know, there's never, since you've worked at the Census Bureau, there's never been any sort of discussion of removing the race question or the voting age pop -- the voting -- your age question 'cause that's how you determine voting -- your voting age is by someone telling you your actual age -- and just asking one question and it's: How many people live in this household? Is that correct?

Mr. Dewhirst. What's the question?

BY MS. JOHNSON:

Q Yeah, so in the time you've worked at the Census Bureau, has there been a conversation of just asking one question which is: How many people live in this house?

A Not that I recall within the Census Bureau.

Q And why do you think that you would not have discussed that?

A Because the -- we wouldn't be able to produce the P.L. 94-171 data with just one question on the form and the P.L. 94-171 does refer to a public law. So, I mean, we're -- that's the justification for the questions on the Decennial Census --

Q Uh-huh.

A -- short form.

Q And if the Voting Rights Act specifically counts, asks for citizenship, do you believe that the most accurate data should be provided to support the Voting Rights Act in addition to the public law.

Mr. Woodward. Don't answer that one. That's a -- she's not a lawyer.

Ms. Jones. Are you aware that the Voting Rights Act requests or includes citizenship as one of the factors in Section 2, in addition to race?

Mr. Woodward. If you're aware.

Ms. Jones. I'm not directly aware.

BY MS. JOHNSON:

Q Can you just tell me again who else attended the -- to the 2014 dinner with Mr. Hofeller, with yourself, and Mr. Thompson?

A I remember that Jeannie Shiffer was there. I think that there were a couple of other people, but I don't recall who was there.

Q Do you recall having other, you know, dinner conversations in 2014 with other interested parties to the census?

A Yes.

Q What other professional dinners did you have?

A I --

Mr. Woodward. Lots.

Ms. Jones. Lots.

BY MS. JOHNSON:

Q A lot.

A Yeah.

Q Can you provide me an example of who you had dinner with, other than

Mr. Hofeller?

A Arnold Jackson, the former Associate Director For the Decennial Census, I had dinner with him on a routine basis as well.

Q Okay. Anyone else from, you know, other interest groups who weren't formerly, you know, employed by the Census Bureau?

A Yes. I can't recall specifics; but, yes, I mean, I did --

Mr. Woodward. Yes.

Ms. Jones. Yes.

BY MS. JOHNSON:

Q Yes. Okay.

And what was the purpose of those dinners?

A Most of these people I count as friends. I mean, they've been -- I may have met them in a professional context but they are friends and we have other outside interests, other than the census and the Census Bureau.

Q And you talk about work, the census?

A We talk about work in the general sense.

Q You talk about, you know, the 2020 Census, I assume, and how it's going, the issues of the day?

A Yes.

Q In 2014, what was the issue of the day? Was it this Federal Register notice?

A I would say the Federal Register notice. We were also conducting tests. I believe we were conducting a field test in Savannah and other locations. We were also looking at residence rules. We were looking at the administrative records we were trying to acquire to support the 2020 Census. We were looking -- we were also

beginning to look at the need to change our data protection mechanisms.

Q Did you have any lunches or dinners or any sort of I would say casual but professional business meetings with anyone on the Middle East/North Africa question?

A I don't recall.

Q What about just generally on the Federal Register notice for the National Content Test?

A I don't recall having dinner or lunch solely devoted to the Federal Register notice. I believe that I mentioned it, you know, to people as, you know, as I saw them, as I did with other Federal Register notices when there was a Federal Register notice out, any. You know, hey, check it out. It's there.

Q Would you say that it is the policy of the Census Bureau to flag for interested parties things like the Federal Register notice or other, you know, publicly available documents?

Mr. Hull. Are you asking if it's an official policy or --

Ms. Johnson. I just want the general custom, practice.

Mr. Hull. I think the two are different.

BY MS. JOHNSON:

Q Okay. So it is a practice that Census Bureau staff will flag for people that they know have an interest various publications that the Census Bureau puts out?

A Yes.

Q And if you look at Exhibit 3, this is an email that the majority colleagues introduced from March of 2010. It looks like you forwarded the message but the actual forwarded message, the first line, says, Please forward to stakeholders as appropriate, and that's what you did, correct?

A Yes. I did.

Q You forwarded this email to stakeholders as appropriate.

A Yes.

Q Did you -- I mean, I'm not asking specifically about this email but it's your understanding that there's -- you forward things to stakeholders who may have an interest because the Census Bureau, you know, values public input to its products?

A Yes, that's true.

Q Okay. And it's fair to say that since, what is this, March of 2010, you've probably forwarded a lot of things to stakeholders as appropriate. Is that correct?

A Yes.

Q And it's probably fair to say you forward a lot of things to stakeholders that are appropriate not related to the citizenship question.

A Yes.

Q Do you think you forwarded it -- forwarded more things to stakeholders like not related to the citizenship question than actually related to the citizenship question?

A Yes.

Q This is one forwarded to Mark Neuman and then we have Exhibit 5, a flagging for Mr. Hofeller, the Federal Register notice, but we don't have any sort of examples of e-mails that you forwarded to other outside colleagues. Is there anyone -- any other outside colleague that you generally forward, you know, publicly available Census Bureau information to?

Mr. Woodward. Rather than generally, could we ask for a specific example? Generally is a broad.

Ms. Johnson. I don't have any specific examples because they were not requested by the majority.

Mr. Woodward. Perhaps she has a specific example she can recall.

BY MS. JOHNSON:

Q Do you have a specific example you can provide me?

A Here recently, with all of the stuff on differential privacy and the interest in that, I would say there are former colleagues and associates that are very interested in differential privacy that I've shared information about, you know, the Census Bureau's written a series of blogs. Go check it out. That is a recent example.

Q Okay. So, after you read the December, 2017, the ProPublica article, how many times did you discuss the ProPublica article with -- and the citizenship question with Mr. Hofeller?

A I don't recall any discussions.

Q Okay. And he passed away in August of 2018; is that correct?

A That's correct.

Q So, between December of 2017 and Mr. Hofeller's passing, you didn't have any conversations with him at all.

A I had a couple of conversations with him.

Q But you never talked about the citizenship question?

A No.

Q Or the ProPublica article?

A No.

Q Or the Secretary Ross decision memo from March of 2018?

A No.

Ms. Johnson. Okay. Steve?

All right. We can just go off the record.

[Recess.]

[11:48 a.m.]

BY MS. ANDERSON:

Q We will go back on the record at 11:48.

Great. You already have exhibit 5 in front of you. I'm just going to refer to that a few times. Did you often use your personal email for official use?

A I don't recall.

Q Okay. Did you forward all of your emails that you used on your personal email for official use to your work email?

A I don't recall.

Q Were there any times where you did not forward emails to your work email that were for official use?

A I don't recall.

Q I want to talk a little bit about the concerns that you said you had around this email and why you said that you sent it to Mr. Hofeller. And correct me if I am wrong, but when we were talking in our last hour, you said part of the concern was that you wanted to have an issue if it was going to come up -- not come up too late in the cycle. Is that correct?

A That's correct.

Q Okay. So let's just talk a little bit about the 2010 to 2020 timeframe. This Federal register that was happening in 2014/2015, if the issue had come up then, how would you characterize that in terms of the cycle of getting ready for 2020? Would that be middle, early, late in the cycle in terms of dealing with any issues that would come up?

A Early to mid.

Q Early to mid. Okay. And then the issue did come up sort of right before you got back to the Census Bureau. Is that correct?

A Yes, that's correct.

Q So that was in January of 2018, February of 2018?

A Yes, yes.

Q Okay. And so when the issue came up and you read about it in ProPublica in December of 2017, how would you characterize that issue in terms of the timeline of preparing for the 2020 Census? Would that be early, mid, late?

A That is a late cycle.

Q Okay. And then the Secretary issued his decision memo to add a citizenship question to the 2020 Census on March 26th, 2018. How would you characterize that in terms of the timeframe?

A That would be a late cycle.

Q Okay. Sort of a late, I guess, design change?

A Late design change.

Q Okay. What are the concerns that you and the Census Bureau had about a late design change to the census in general?

A Can you -- are you asking about late design changes in general?

Q Sure. Yes, yes. Not necessarily specific to the citizenship question.

A Okay. Late design changes can have repercussions on the systems that the Census Bureau is developing as well as the operations, if it has -- if it has an effect on the response rate or if it has an impact on the enumeration process itself and the Census Bureau -- you know, that's why the Census Bureau tries through the testing cycle of the census to introduce any type of new -- whether that's a new content, that's new systems, that's new processes through the process -- through the earlier parts of the process so that it can -- so that it can integrate them into the census design.

Q Okay. And did the Census Bureau have these types of concerns with

regards to the citizenship question? You said systems, getting systems prepared, response rates, and the enumeration process?

A We had concerns about the response rate and the enumeration. I do not think there were significant concerns about systems.

Q Okay. And to your knowledge, when you came back to the Census Bureau, how would you describe your role with regards to, I guess, evaluating the Department of Justice's request to add a citizenship question?

A I did not have a role in evaluating the request.

Q Okay. Was your role restricted to what you described before, which was responding to questions from Earl Comstock and Karen Dunn Kelley or were there other things that you were working on with regards to the citizenship question?

A Primarily my role was to support Ron Jarmin and that included serving in a liaison-type function with the department, but also internally at the Census Bureau. You know, maintaining -- I helped to coordinate meetings for him. I gathered information for him as well.

Q Okay. To your knowledge, did Ron Jarmin or the Census Bureau express these concerns with the Department of Commerce about the effect on the response rate and on the enumeration process?

A Yes.

Q Did the Census Bureau's position on those concerns ever change?

Mr. Dewhirst. Those concerns being?

Ms. Anderson. The potential impact on the response rate or the enumeration process?

Ms. Jones. No, those concerns did not change.

BY MS. ANDERSON:

Q Can I have ten, please? Do you recall how the Department of Commerce in, I guess, starting when you returned in 2018, how they responded to those concerns that were raised with regard to the impact a citizenship question would have on the Census Bureau?

A Yes.

Mr. Woodward. Do you recall?

Mr. Dewhirst. How the Commerce Department responded -- okay. Well, she's answered yes.

Ms. Jones. Yes.

BY MS. ANDERSON:

Q Do you recall how they responded?

A Yes.

Q Okay. How did they respond?

Mr. Dewhirst. Go ahead.

Ms. Jones. They asked a lot of questions about the Census Bureau's analysis of the alternatives. They asked questions about, as I said, about the availability of administrative records, they asked questions about, you know, the ACS response rates, allocation rates on the ACS, they asked questions about the -- when we pointed out the difference between ACS responses and the administrative records. They asked us many questions.

BY MS. ANDERSON:

Q Okay. So we talked a little bit in the last hour about changes to other questions that would have appeared or appear on the Decennial Census. To the best of your knowledge, can you walk through what is the typical testing procedure for questions whether it's changing an existing question or adding a question to the Decennial Census?

A Depending on the scope of the change, some questions require cognitive testing, some questions require, as we did with the national content test that we do -- that we go out and we conduct a test in 2010, we, in anticipation of the national content -- reviewing the content, we did an alternative questionnaire experiment in which we had several different versions of the questionnaire in the context of the 2010 Decennial Census. It depends on the scope of the change of the question.

Q And what is the purpose of doing testing in this way?

A We want to understand that respondents clearly understand what is being asked and what the options are, and that where our question may be placed on the form. It's not necessarily a Decennial Census, but with something like the ACS, it really matters where a question could be located because it makes sense in the form, does the respondents follow it, and we'd also like to get a sense of the nonresponse rate.

Q And typically in a cycle for the decennial, how far in advance or at what point of the cycle do you like to have sort of those issues decided or the testing completed?

A I believe our goal was to be able to lock those questions in by Year Eight when we provide those questions to Congress.

Q Provide the specific questions?

A Yes.

Q Okay.

Mr. Dewhirst. Sorry. You said Year Eight?

Ms. Jones. Yes.

Mr. Dewhirst. All right.

BY MS. TELEKY:

Q So just talking about the -- we were talking about the preparations as kind of leading into heavier end of the cycle versus the beginning. Is it true that the Decennial

Census kind of operates on a cycle with preparations ramping up more towards the end of the decade than at the beginning of a decade?

A Yes. We typically have a research phase which is the early part of the cycle, then we conduct various testing, systems, content, anything, as I said, that would be new, and we then -- then we begin to sort of harden -- focus on operations towards the latter part of the census cycle.

Q And so that cycle would kind of reflect not just testing operations, but also likely meetings and sort of discussions among career staff, premier staff, et cetera, just sort of preparing for census day. Is that accurate? That there might be more activity surrounding census preparations later in the decade whether it's on the testing scale or about having meetings with other staff?

Mr. Woodward. If you don't understand, say you don't understand.

Ms. Jones. Can you clarify what you --

Ms. Teleky. Yeah. So I guess I'm just wondering if the engagement on questions dealing with preparations for the census since the testing sort of ramps up in certain parts of the decade, is it likely that the meetings between staffers kind of dealing with those issues also increases towards -- as we get closer to census day or is it a constant flow?

Mr. Dewhirst. I don't think I understood it that time with the preface. Could you repeat it?

BY MS. TELEKY:

Q I'm just wondering if there would be the same likelihood of having robust discussions constantly back and forth between officials say in the year 2000 versus the year 2008 when we're preparing for, say, the 2010 Census, for example?

A Okay.

Q Would it be more likely to have more meetings about the census towards the end of a decade because the preparations are ramping up and because the testing is ramping up?

A I think I understand. So --

Mr. Woodward. I think I understand. You're trying to counter the question that was asked before about whether there were more meetings with the --

Ms. Teleky. I'm just trying to understand --

Mr. Woodward. -- current Secretary than there were previously. Just ask the question. We're here to help.

BY MS. TELEKY:

Q -- that characterization. I mean I'm not just asking in that context, but sure, if that's an easier context.

Would it be more likely that there would be meetings after 2016 when, say, Secretary Ross took over after that time as opposed to before that time when Secretary Pritzker was in office if that's an easier characterization of just a general timeline?

A I think that during the context of the Decennial Census operations itself in what we refer to, sorry, as Year Zero or 2020, I'm sorry to use census terms, there is -- yes, there are -- there is intensive, you know, meetings/discussions about the census.

I would characterize that there is a Decennial Census program all decade long and there is -- the organization is constantly planned -- you know, a decennial cycle could be conceived as being a 14 year cycle, so --

BY MS. ANDERSON:

Q Can we just clarify the year usage. You said 2020 was Year Zero. What was Year Eight then?

A Year Eight is 2018.

Q Okay. Great. Just so we all understand.

Mr. Woodward. Or 2008.

Ms. Anderson. Correct.

Mr. Dewhirst. So 2020 is Year Zero for the 2030 census or --

Ms. Jones. It is both Year Zero and 2020. And because 2030 planning is actually already begun -- so we actually -- the zero is referring to the last digit of the four digit decade, but we're counting up.

Ms. Anderson. But we're counting up, not down.

Ms. Jones. You count up and then you suddenly hit zero.

Ms. Teleky. Sorry. I didn't mean to open that can of worms. I just wanted to get a better characterization of the ramp up of the census cycle. I know it operates on a cycle, so getting your opinion on how that operated was just -- thanks.

Ms. Jones. Okay.

BY MS. ANDERSON:

Q So I want to talk a little bit about when you got back to the Census Bureau. There was -- it appeared to be sort of this time from the Census Bureau's perspective of sort of doing, I guess, research, answering questions, and doing that sort of thing.

A Uh-huh.

Q Is that fair?

A I think so.

Q Okay. I meant eight. Sorry, [REDACTED] Thank you.

Exhibit 7 here.

Q I'm going to hand you what's marked as exhibit 7.

[Jones Exhibit No. 7

Was marked for identification.]

Mr. Dewhirst. This is seven?

BY MS. ANDERSON:

Q Correct.

Did you read both of the pages?

A Sorry. Which page?

Q There's five pages. Okay. Great.

So I handed you an email chain that starts, I believe, February 13th and goes through February 14th of 2018. It starts with Ron Jarmin reaching out to someone at AEI and asking whether they had comments on the citizenship question favorably and then there was a response by Michael Strain, I believe that same day, said that they did not have a favorably look on the citizenship question. And then towards the front of the page, he forwards that to you for comment and you guys have a discussion. Did you have a chance to review the document?

A Yes, I did.

Q Okay. Was there a particular reason from your recollection that the Census Bureau, the Department of Commerce was particularly looking for the -- a perspective that would support the addition of a citizenship question?

A As I understood, they were -- because so many were opposed to the question, they were looking to see if anyone would support the question.

Q Is that typical in sort of this process of reaching out to stakeholders to specifically reach out and ask whether they have a particular perspective on a given change?

A I think so.

Q Okay. And if you don't know, that's also fine.

And then you responded to Mr. Jarmin and offered two people, Mark Krikorian

and Steve Camorrota. Do you know those people personally or do you recall why you specifically offered up those two as potential places to find a favorable --

A Steve Camorrota had actually been a consultant and had been a researcher with Census Data and they are -- they are a stakeholder group that I believe looks -- uses the current population survey and the ACS. They are an immigration reform group, but Steve Camorrota I knew in particular had had a prior relationship with the Census Bureau.

Q Did you know them personally or you just knew them in the context --

A I do not know them personally.

Q Okay. Do you know whether Mr. Jarmin reached out to them?

A I do not.

Q Okay. Do you know whether they ended up providing that perspective to the Census Bureau or the Department of Commerce?

A I do not.

Q I just want to go back through a few things that my colleagues on the other side mentioned earlier.

Did you ever become aware of discussions prior to your return at the Census Bureau that had occurred between Secretary Ross and other members of the Department of Commerce about the citizenship question?

Mr. Woodward. Can we break that up?

Ms. Anderson. Sure.

Mr. Woodward. Did you become aware --

Ms. Anderson. Sure. So let's start here.

Did you ever become aware of the contents and conversations that happened between Secretary Ross and people at the Department of Commerce about the citizenship question that had occurred in 2017?

Mr. Woodward. So that's a yes or no question?

BY MS. ANDERSON:

Q Correct.

A Yes.

Q Okay. Which conversations did you become aware of?

A I only became aware of what was provided in the administrative record.

Q Okay. You did not become aware of any other conversations or the contents of any other conversations outside of what became publicly available?

A No, I did not.

Mr. Woodward. Or in preparation for either litigation or testimony, in other words, privileged conversations?

Ms. Jones. Prior to my return? I'm sorry. I just got confused.

Mr. Dewhirst. You removed that qualifier, right?

Ms. Anderson. Correct. Do we need to repeat --

Mr. Woodward. Yeah. Would you say the question again?

BY MS. ANDERSON:

Q Sure. Did you become aware of the contents of conversations that happened between Secretary Ross and people at the Department of Commerce about the citizenship question that had occurred in 2017?

A Yes.

Q And then you said not outside of what was publicly available and through the administrative record. Is that correct?

A That's correct.

Q Okay. And you said you never had conversations with anyone at the Department of Justice about the citizenship question. Is that correct?

Mr. Woodward. Again, outside the context of --

BY MS. ANDERSON:

Q Sure. Outside the context of preparing for litigation.

A That's correct.

Q And the same is true for any officials from the White House. Is that correct?

A That's correct.

Q Are you aware of any information -- the White House spokesperson at the time, Sarah Huckabee Sanders, said that this decision was made at the department level and not at the White House. Are you aware of any information that contradicts that statement?

A I'm not aware of any information.

Q You said you did not hear about the citizenship question while you were at the Department of Homeland Security?

A That's correct.

Mr. Woodward. Well, you heard about it in December of 2017?

Ms. Jones. Yes, I'm sorry.

Ms. Anderson. Anything outside of the ProPublica article. Thanks for clarifying. I want to talk a little bit about the Secretary's March 2018 decision memo that he issued. That's 16, [REDACTED] I'll mark it as exhibit 8.

Exhibit 8.

[Jones Exhibit No. 8

Was marked for identification.]

Ms. Anderson. And that's just for reference. We're not going to go through it piece by piece.

Did you have a role in drafting the Secretary's decision memo from 2018, this memo?

Mr. Woodward. Yes or no.

Ms. Jones. Can I ask --

[Discussion off of the record.]

Ms. Jones. No.

BY MS. ANDERSON:

Q Okay. Did you review any prior drafts of this decision?

A Yes.

Q Okay.

Mr. Dewhirst. We got to whisper quieter apparently.

BY MS. ANDERSON:

Q We were going to ask.

Did you ever provide comments or ask questions regarding any prior drafts of the Secretary's March memo?

A Yes.

Q And what were those?

Mr. Dewhirst. And there I'm going to interpose an instruction.

Ms. Anderson. Did any of the prior draft memos, draft decision memos have any other rationales besides the Voting Rights Act rational that appeared in the official version of the memo?

Mr. Dewhirst. So I'm not sure that reading -- I'm going to instruct the witness not to answer based on the form of the question because I think if you actually read the decision memo there are other things such as the United Nations' recommendations and things like that they appear in the decision memo, so maybe if you can craft it slightly

differently.

Ms. Anderson. Did prior drafts or any -- we'll start with prior drafts -- of the decision memo include any other reason why the Department of Commerce or the Census Bureau began looking at whether to add a citizenship question to the 2020 Census?

Mr. Woodward. If you can recall.

Mr. Dewhirst. If you recall.

Ms. Jones. I don't recall any others.

Ms. Anderson. As far as you're aware, did anyone outside of the Department of Commerce, including the Census Bureau, have a role until drafting the Secretary's March decision?

Ms. Jones. I'm not aware of any.

Ms. Sachsman Grooms. I just think maybe I didn't hear you last time. To the previous questions did you say you didn't recall other drafts or you didn't recall other reasons?

Ms. Jones. I didn't recall other reasons.

Ms. Anderson. Was there ever any discussions that you became aware of, let's say, outside the context of litigation about other rationales that would support the addition of a citizenship question to the 2020 Census?

Mr. Dewhirst. From the Commerce Department or from the Secretary?

Ms. Anderson. That she became aware of.

Mr. Dewhirst. Is it with that qualifier?

Ms. Anderson. No.

Mr. Dewhirst. Okay. Have you ever --

Ms. Anderson. If we want -- we'll start with from the Department of Commerce

or from the -- let's do the administration.

Mr. Dewhirst. I'm not trying to be difficult, but she testified that this is a ubiquitous topic and she's been working on these issues for 20 years, so --

BY MS. ANDERSON:

Q From this current administration, did you ever hear about any other rationale that would support the addition of the citizenship question?

A No, I did not.

Q Okay. You mentioned in the prior hour that you had discussion or you had spoken with Thomas Hofeller in 2018. Is that correct?

A Yes, that is correct.

Q Okay. But you did not -- did you discuss a citizenship question with him in 2018?

A No, I did not.

Q Did you discuss redistricting with him in 2018?

A No, I did not.

Q What were you discussing with him during that time period?

Mr. Dewhirst. I'm going to -- well, I guess it's not really my instruction to make, but -- no instruction.

Mr. Woodward. I mean, are you comfortable answering?

Ms. Jones. He called to tell me that his treatments were no longer working and that he was essentially going to be done?

BY MS. ANDERSON:

Q Personal matters.

A Yes.

Q Okay. Thank you. I apologize.

If we could just take -- we'll just confer briefly, we can take like a couple minute break.

Mr. Woodward. You want us to give you the room?

Ms. Anderson. No, no. It's fine. We can go off the record.

[Recess.]

Ms. Anderson. Okay we can go back on the record.

I think we have no additional questions and the minority also has no additional questions, so we can conclude unless there's anything you want to add or clarify.

Ms. Jones. I'm done.

Ms. Anderson. Thank you. We can go off the record.

[Whereupon, at 12:18 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date